

MINUTES OF THE MEETING

BOARD OF PILOT COMMISSIONERS

Hilton Garden Inn
12 Via De Luna Drive
Pensacola, FL 32561
September 29, 2006

CALL TO ORDER

Commissioner Robas, Chair of the Board, called the meeting to order at 9:04 a.m., CDT.

Members Present

Commissioner Robas, Chair
Commissioner Bryson
Commissioner Buffington
Commissioner Fernandez
Commissioner Frudaker
Commissioner Hiers
Commissioner Molitor
Commissioner Phipps, Vice-Chair
Commissioner Sweeney

Members Not Present

Commissioner Buford

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Diane Guillemette, Board Counsel
Drew Winters, Prosecuting Attorney
Jorge Viso, President, Florida Association of State Pilots (FSPA)
David de la Parte, Counsel for FSPA
Gretchen Rayborn, Executive Director, FSPA
Brian McGee, Pensacola Bay Pilots, Inc.
Ronald Schaefer, Pensacola Bar & Harbor Pilots, Inc.

Commissioner Robas informed the Board that Commissioner Buford's absence was excused. She also stated that the agenda had been amended to add Election of Officers and asked that the Board approve the amendment.

MOTION: Commissioner Bryson made a motion that the Board approve the amended agenda adding Election of Officers.

SECOND: Commissioner Sweeney seconded the motion and it passed unanimously.

APPROVAL OF THE MINUTES OF THE MEETING

July 14, 2006

MOTION: Commissioner Sweeney made a motion that the Board approve the July 14, 2006, minutes as submitted.

SECOND: Commissioner Bryson seconded the motion and it passed unanimously.

PROSECUTING ATTORNEY'S REPORT – DREW WINTERS

Mr. Winters informed the Board that there were 23 cases in legal. Of these cases, 6 were set for probable cause and heard by the panel on Thursday; 17 had been sent to the consultant/expert; and the number of year-old cases was five.

Mr. Winters asked the Board to grant him permission to continue with the year old cases.

MOTION: Commissioner Buffington made a motion that the Board authorize Mr. Winters to continue processing the year-old cases.

SECOND: Commissioner Bryson seconded the motion and it passed unanimously.

DISCUSSION OF RIGHT WHALE MARITIME INTERESTS

Commissioner Robas informed the Board that she presented a letter to the National Marine Fisheries Service (NMFS) during a meeting held on August 8, 2006, in Jacksonville. She asked that the comment period be extended to allow time for this Board to meet and discuss the issues. Commissioner Robas informed the Board that the deadline was extended until October 5th. She then asked Commissioner Bryson to further expound on the information for the Board.

Commissioner Bryson informed the Board that Commissioner Robas did an excellent job at the meeting with the NMFS. He provided a document at the NMFS meeting referencing the laws and rules and was also asking that waiver language be included in the NMFS language. Mr. David de la Parte stated that he did not have the exact language for the Board, but it dealt with a restriction being placed on the speed that the licensed state pilots can exceed, if necessary, for the health, safety and welfare of the public.

Commissioner Bryson informed the Board that he was critical of the NMFS process in the end of his report as they were asking pilots to break their rules regarding operating vessels in a safe manner. He stated that he had provided the Board with a copy of a letter that had been received from Captain Bill Kavanaugh, Cumberland Sound Pilots Association.

Commissioner Bryson stated that the Board of Pilot Commissioners needed to advise the NMFS that the Board they represent has a conflict with the proposals by NMFS.

Mr. de la Parte suggested that the language include an exception for licensed state pilots or certificated deputy pilots.

MOTION: Commissioner Bryson made a motion that the Board submit a document with the addition of a recommendation for waiver language to be included in the NMFS proposal.

SECOND: Commissioner Hiers seconded the motion and it passed unanimously.

REQUEST FOR DEPUTY PILOT OPENING

St. Johns Bar Pilots Association

Commissioner Bryson informed the Board that they were requesting at least one deputy from the March 2007 examination. He stated that with an increase in business and the retirement of a pilot, it would be necessary to obtain a deputy pilot.

MOTION: Commissioner Frudaker made a motion that the Board approve the request from St. Johns Bar Pilots Association for at least one deputy from the March 2007 examination.

SECOND: Commissioner Fernandez seconded the motion and it passed unanimously.

DISCUSSION REGARDING FT. PIERCE

Commissioner Phipps informed the Board that she asked this be included in the agenda. She stated that Captain William Wetzel was recently advanced from level four to level five of the training plan. He was currently bringing in three different vessels, which are small vessels, however, level five allows him to bring in vessels up to 25 feet in draft and there are no vessels of this size in Ft. Pierce. Commissioner Phipps stated that she was concerned that Captain Wetzel will not be able to train on vessels over 12 feet in draft and there could be larger vessels in Ft. Pierce in the future. She informed the Board that she wanted him to have more ship handling experience as he could be licensed as a full state pilot and would not have handled any large vessels.

Commissioner Phipps informed the Board that Port Everglades would be willing to provide training.

Commissioner Molitor questioned if Captain Wetzel had the time to train in another port.

Commissioner Frudaker responded that he has to train for the travel of the port where he is located, and he did not think that ships in Ft. Lauderdale would ever go to Ft. Pierce.

Commissioner Bryson commented that he understood the concerns, however, he did not recall where you have ever had to train a deputy on the possibility of ships coming into a port. He felt that if Captain Wetzel needed more extensive training, that it would be available.

Captain Jorge Viso informed the Board that he supports the comments and that FSPA is aware of the situation. He stated that deputies should train on vessels in their employing port and that you could not expect to train on ships that you do not have. He stated that he could ride as an observer on larger vessels because he would not be authorized to handle the vessels in other ports, and the pilot in another port is not authorized to do the training.

Commissioner Robas questioned if Captain Wetzel was making progress in his deputy training. Commander Dunton responded that he was progressing according to the training guidelines.

Commissioner Robas stated that the Board appreciated Captain Phipps bringing this to their attention. Commissioner Phipps stated that her main concern was that normally deputies have the experience, and she just wanted to inform the Board of this situation.

REPORTS

Chair's Report – Commissioner Robas

Commissioner Robas informed the Board that Commissioner Buford was still in the hospital recuperating from surgery but appeared to be making a speedy recovery.

Commissioner Robas stated that Ms. Clark was being inducted in to the Florida Chapter of the Inns of Court and was unable to attend this meeting.

Finance Committee Report – Commissioner Buffington

Commissioner Buffington reported that the Committee met on September 28, 2006, and reviewed the fourth quarter results and the fiscal year end results. He stated that the Board's cash balance was reduced as planned. There was a concern expressed as to the lack of specific and consistent information on the expenditures for Information Technology, which was 25 times more than budgeted.

Commissioner Buffington reported that the Committee proposed it five year budget and made a recommendation to the Rules Committee that the gross pilotage assessment be changed from 0.7% to 0.35% effective January 1, 2007.

MOTION: Commissioner Hiers made a motion that the Board accept the Finance Committee Report.

The motion passed unanimously.

Rules Committee Report – Commissioner Phipps

Commissioner Phipps reported that the Rules Committee met on September 28, 2006, and ratified the Finance Committee's recommendation to change the gross pilotage assessment to 0.35% effective January 1, 2007.

Commissioner Phipps reported that new language was proposed for Rule 61G14-17.004, Florida Administrative Code.

MOTION: Commissioner Hiers made a motion that the Board ratify the recommendations of the Rules Committee.

The motion passed unanimously.

Probable Cause Panel Report – Commissioner Robas

Commissioner Robas reported that the Probable Cause Panel met September 28, 2006. They heard six cases of which three were closed and three were closed with a letter of guidance.

Board Counsel's Report – Diane Guillemette

Ms. Guillemette did not have a report to present on behalf of Ms. Clark.

Executive Director's Report – Robyn Barineau

Board Membership

Ms. Barineau stated that the Department was always soliciting for consumer members for any board. She asked that if any member knew of anyone interested in serving, to have them contact her or the Governor's Appointments Office.

March Examination Memorandum

Ms. Barineau informed the Board that this was included for informational purposes.

Ms. Barineau also provided a copy of a letter from the Massachusetts Maritime Academy. She asked if anyone had any comments. The Board indicated this type of training would be an individual port decision. Ms Barineau stated that she would send a thank you letter.

Port Security – Commissioner Molitor

Commissioner Molitor stated that the articles were provided for informational purposes.

CORRESPONDENCE

This was provided for informational purposes.

NEW BUSINESS

There was no new business to come before the Board at this time.

OLD BUSINESS

Commissioner Robas stated that this was possibly her last meeting with the Board. She wanted to thank Commissioner Buffington for his 11 years of dedicated service to the Board and profession. Commissioner Robas stated that the Department knew who the Pilots were because of him. She stated that this could possibly be his last meeting also.

Commissioner Buffington commented that it had been a pleasure to serve.

Commissioner Robas thanked the current Board and the commissioners that had advised and groomed her to be Chair, as it was a pleasure to serve and be Chair. She thanked Rivers Buford, Ed Tellechea and Mary Ellen Clark for their legal advice and Diane Guillemette for attending the meeting today. Commissioner Robas thanked Drew Winters for his continued work with the Board and stated that she hoped he would stay with the Board for years to come.

Commissioner Robas commented that Galen Dunton served as consultant to the Board even before she was on the Board. She stated that he has been immensely beneficial to the Board and the Board must continue to make sure that his contract is approved.

Commissioner Robas stated that the current staff has been exceptional; there had challenges in the past. She stated that she had been through five executive directors and the support of staff was critical. She thanked Robyn Barineau and Elise Rice. Commissioner Robas thanked FSPA. She stated that they kept the Board informed and encouraged the Board to continue to cultivate and maintain the relationship with FSPA.

Commissioner Robas commented that she had enjoyed every moment and asked that everyone continue the fellowship. She stated that she had great confidence in the Board.

Commissioner Robas thanked Governor Bush for her opportunity to serve the Board as it was a great learning experience.

ELECTION OF OFFICERS

Commissioner Robas asked for nominations for Chair and Vice-Chair.

MOTION: Commissioner Bryson made a motion that Commissioner Phipps be elected Chair of the Board.

SECOND: Commissioner Molitor seconded the motion and it passed unanimously.

MOTION: Commissioner Phipps made a motion that Commissioner Bryson be elected Vice-Chair of the Board.

SECOND: Commissioner Frudaker seconded the motion.

MOTION: Commissioner Sweeney made a motion that Commissioner Molitor be elected Vice-Chair of the Board.

SECOND: Motion died for lack of a second.

MOTION: Commissioner Hiers made a motion that there be a unanimous ballot for Commissioner Bryson to be elected Vice-Chair of the Board.

SECOND: Commissioner Sweeney seconded the motion and it passed unanimously.

The next meeting would be held on January 22 & 23, 2007, in Fernandina Beach.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 10:08 a.m., CDT.